

Appl. No. : 09/974,725
Filed : October 9, 2001

REMARKS

The following remarks are responsive to the December 1, 2004 Final Office Action. Claims 1, 19, 20, 37, 40, 41, and 49 remain as previously presented. Claims 2-18, 21-35, 38, and 39 remain as originally filed, and Claims 36, 42-48, and 50 were previously cancelled. Therefore, Claims 1-35, 37-41, and 49 are currently pending. Please reconsider the claims in view of the following remarks.

Response to Rejection of Claims 1-35, 37-41, and 49 Under Obviousness-Type Double Patenting

In the December 1, 2004 Final Office Action, the Examiner provisionally rejects Claims 1-35, 37-41, and 49 under the judicially-created doctrine of obviousness-type double patenting over Claims 54-62 of copending U.S. Patent Application No. 10/062,613.

Applicants note that Claims 54-62 of copending U.S. Patent Application No. 10/062,613 have been cancelled in a "Response to August 24, 2004 Office Communication" which was filed on September 14, 2004. These claims were cancelled without prejudice in response to a Restriction Requirement mailed May 24, 2004.

Because the claims cited by the Examiner as the basis for the obviousness-type double patenting provisional rejection have been cancelled, Applicants respectfully request that the Examiner withdraw the rejection and pass Claims 1-35, 37-41, and 49 to allowance.

Summary

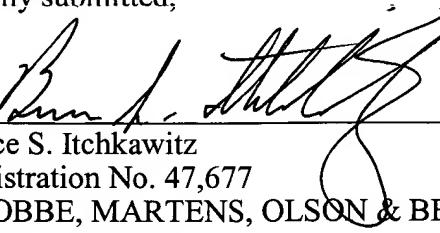
For the foregoing reasons, Applicants submit that Claims 1-35, 37-41, and 49 are allowable over the prior art, and Applicants respectfully request such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

Dated: 2/1/05

By:


Bruce S. Itchkawitz
Registration No. 47,677
KNOBBE, MARTENS, OLSON & BEAR, LLP
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404